

REMARKS

Responsive to the Office Action, Applicants have amended a substantial number of claims in this application to conform to the requirements of 35 U.S.C. 112. The amendments to the claims are also believed to more clearly distinguish the claims over the prior art of record in this application including U.S. Patent 6,393,406 to Eder.

With regard to the rejection of Claims 1 through 42 under 35 U.S.C. 112, Applicant has made a diligent effort to amend the claims to comply with the requirements of the statute. With regard to Claim 1, in particular, the term "opinion information" has been replaced with . . . survey information . . . to conform to the specification.

With regard to the terms "consumer, customer and industry stations", Applicant respectfully submits that it is believed that these terms are well defined in the specification and are distinct with respect to the recitation in the claims as now presented. For example, the specification refers on page 8, line 16, to the customer station as being an entity that holds intellectual property and desires to enter into a license agreement, assignment, sale, etc. depending at least partially on the intellectual property. On page 9, line 3, Applicant defines the industry station as including, but not being limited to, an entity that desires to enter into a license agreement, assignment, sale, joint venture, etc. that involves intellectual property for the purpose of financing, making, selling or otherwise distributing the intellectual property. On page 9, line 11, Applicant defines the consumer station as at least one consumer that represents any individual or entity that may potentially purchase a product or products based on the intellectual property.

Thus, the recitation in the claims now presented is believed to clearly define and distinguish the consumer station from the customer station, in particular, and to distinguish the industry station from either one of the consumer station or the customer station. Moreover, each of these three stations is

also clearly distinguishable from the host station, as defined in the specification on page 7, lines 14 through 20. Reconsideration of the rejection of the claims based on the Examiner's understanding of the terms "consumer station" and "customer station" is respectfully requested.

Reconsideration of the rejection of Claims 8, 23 and 32 is requested with regard to the use of the terms "SIC" and "NAICS".

Applicant verily believes these terms are well known terms of the art in commerce as being acronyms or abbreviations for the terms "Standard Industrial Classification" and "North American Industry Classification System", respectively. Copies of published definitions of these two acronyms are enclosed with this amendment and Applicant requests that this information be made of record in this application as defining the terms "SIC" and "NAICS".

Applicant has made other amendments to the claims, as set forth hereinabove, with a view to clarifying the claim recitation and overcoming the rejection under 35 U.S.C. 112. Reconsideration for conformity of the claims with the requirements of 35 U.S.C. 112 is respectfully requested.

In the Office Action, the Examiner rejected Claims 1 through 42 under 35 U.S.C. 103(a) as being unpatentable over the teaching of U.S. Patent 6,393,406 to Eder. Contrary to the methodology and system set forth in Applicant's claims the Eder reference is directed to a data processing system for valuing tangible as well as intangible elements of value in a business enterprise, including a processor and memory for processing and storing data and manipulating data related to the value of a business enterprise, calculating variables which characterize the performance of the tangible or intangible elements of the business enterprise, calculating the revenue, expenses and capital components of the enterprise, determining a percentage of the revenue component contributed by each of the tangible and intangible elements of the enterprise and calculating a value for each of the tangible or intangible elements of value based

on the revenue, expense and the percentages of the revenue, expense contributed by the tangible or intangible elements.

The method and system described by Eder is substantially different from Applicant's method and system for promoting intellectual property. With regard to Claim 1, for example, the method set forth in this claim includes a consumer station for selecting an item of intellectual property from a plurality of such items from a host station having a database and sending survey information from the consumer station to the host station based on the description of the selected intellectual property item. The method of Claim 1 further includes the steps of accessing the survey information from an industry station to determine the level of interest in the selected intellectual property item based on the survey information. In this way, new intellectual property may be surveyed by potential consumers of products or services based on the intellectual property and the degree of interest by potential consumers may be ascertained by an industry station (i.e., a possible manufacturer of the product or a provider of the service). Accordingly, the method of Claim 1 provides a unique and improved process for determining the potential value of intellectual property by allowing a consumer survey to be conducted and by allowing a manufacturer or service provider (industry station) to access the survey information and make a decision as to whether or not it is worthwhile to enter into a possible contractual relationship with the owner of the intellectual property. Accordingly, the steps of Claim 1, which include providing a host station having a database of plural intellectual property items and the selection of an intellectual property item by a consumer station and providing survey information based on the intellectual property item and then allowing the access of the survey information from an industry station, provide a more efficient and unobvious process, particularly taking into consideration the prior art of record in this application, including the Eder reference. Eder fails to disclose or suggest the steps of Claim 1 in the art of methods and systems for

promoting intellectual property. Accordingly, reconsideration for allowance of Claim 1 is respectfully requested.

Claims 2 through 17 remain in the application dependent on amended Claim 1. Claims 2 through 5, 11 and 13 have been amended to properly depend from Claim 1 and to conform to the requirements of 35 U.S.C. 112. With regard to Claims 3 and 4, in particular, the Eder reference, as well as the other prior art of record, clearly does not disclose or suggest the steps of providing an industry station (as defined by Applicant) with survey information which is reflective of consumers' desires to purchase the selected intellectual property item. With regard to Claims 5 and 6, the Eder reference does not suggest providing an incentive to a consumer to send survey information, since such a relationship is not present in or suggested by the method and system of Eder. With regard to Claims 7 and 8, Eder does not suggest providing a grouping of intellectual property items that have at least a common feature and wherein the common feature is an SIC code or an NAICS code.

With regard to Claims 11 through 14, the Eder reference, as well as the other prior art of record, does not make obvious the step of making survey information accessible only by a customer station and an industry station as set forth in Claim 11. Moreover, as set forth in Claim 13, Eder does not disclose or suggest providing viewing of confidential information only by a customer station and an industry station.

With regard to Claim 18, Applicant respectfully submits that the Eder reference does not suggest or make obvious a method for promoting intellectual property "online" by providing a host station having an Internet site and a database accessible at the Internet site, and including plural intellectual property items and a description of each item, and wherein the description includes at least one general description item and at least one confidential description item. The Eder reference further does not disclose, suggest or make obvious the steps of selecting an intellectual property item by a consumer station connected to the host station, viewing the general description

of the selected item from the consumer station, nor the steps of selecting the same intellectual property item by an industry station and viewing the confidential description of the intellectual property item from the industry station, and wherein the confidential description item is unavailable for view by the consumer station. Applicant respectfully submits that the business valuing system and methodology of Eder does not contemplate or make obvious the method of Claim 18 for promoting intellectual property and reconsideration for allowance of this claim, together with Claims 19 through 24 dependent thereon is respectfully requested.

With regard to Claims 19 through 21, for example, Eder does not suggest or make obvious the steps of sending feedback data on a selected intellectual property item from a consumer station to the host station and then accessing the data from an industry station to determine the consumer's degree of interest in the intellectual property item based on consumer survey information. With regard to Claim 24, for example, the Eder reference does not disclose or suggest selectively releasing confidential description items for viewing by the customer station.

Claim 25 has been amended to conform to the requirements of 35 U.S.C. 112. Claim 25 also is believed to clearly distinguish in a patentable sense over the prior art, including the Eder reference. Applicant respectfully submits that Claim 25, together with Claims 26 through 41 depending from Claim 25, is directed to a system for promoting intellectual property which is not disclosed in, suggested in or made obvious by the teaching of Eder or the other art of record in this application at least for the reasons set forth above in support of the patentability of the methods of Claims 1 and 18, in particular. Eder clearly does not contemplate making information available at a consumer station regarding an intellectual property item and providing means for sending survey information to a host station based, at least in part, on a description of the

selected intellectual property item residing on the host station and accessible by the consumer station.

The elements set forth in the claims depending from Claim 25 are believed to be patentable at least for the same reasons that the method steps of the claims dependent on Claims 1 and 18 are patentable as set forth hereinabove.

Reconsideration for allowance of Claim 42, as amended herein, is respectfully requested. Applicant respectfully submits that Eder fails to suggest or make obvious a processor based system for promoting intellectual property which includes a host station having an Internet site and a database accessible at the Internet site and including plural intellectual property items including a description of each item, the description having at least one general description item and at least one confidential description item, together with means for selecting an intellectual property item by a consumer station, means for viewing the one general description item from the consumer station, means for selecting the intellectual property by an industry station and means for viewing the at least one confidential description item from the industry station whereby the one confidential description item is unavailable for viewing by the consumer station. The business valuation model of Eder does not contemplate or make obvious the features of Claim 42 set forth above.

Applicant has made a diligent effort to advance the prosecution of this application by amending a substantial number of claims to conform to the requirements of 35 U.S.C. 112 and by pointing out with particularity herein how the claims now pending distinguish over the prior art including the Eder reference. Accordingly, an early Notice of Allowance of Claims 1 through 42 as now presented is respectfully solicited.

Respectfully submitted,

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MARKED UP AMENDED CLAIMS
(AMENDMENT A)

1. (Twice Amended) A method of promoting intellectual property, the method comprising:

providing a host station having at least one database, the at least one database including:

a plurality of intellectual property items; and

a description of each intellectual property item;

accessing said database and selecting one of said intellectual property items by [at least one of] a consumer station [and an industry station];

accessing the description associated with the selected intellectual property item from the [at least one] consumer station;

sending [feedback data] survey information from the [at least one] consumer station to the host station, the [feedback data including opinion] survey information of the selected intellectual property item based at least in part on the description of the selected intellectual property item; and

accessing the [feedback data] survey information from an industry station to thereby determine the interest in the selected intellectual property item based on the [opinion] survey information.

2. (Twice Amended) A method of promoting intellectual property according to claim 1, and further comprising summing the [opinion] survey information from different stations for the selected intellectual property item.

3. (Twice Amended) A method of promoting intellectual property according to claim 2, wherein the [opinion] survey information includes [survey] information reflective of a consumer's [desirability] desire to purchase the selected intellectual property item.

4. (Twice Amended) A method of promoting intellectual property according to claim 1, wherein the [opinion] survey information includes [survey] information reflective of a consumer's [desirability] desire to purchase the selected intellectual property item.

5. (Amended) A method of promoting intellectual property according to claim 4, and further comprising providing an incentive to a consumer at the consumer station for sending the [feedback data] survey information.

11. (Amended) A method of promoting intellectual property according to claim 10, wherein the [feedback data] survey information is [normally] accessible at the Internet site by only the customer and industry stations, respectively.

[plural - singular in claims 10 & 9]

13. (Amended) A method of promoting intellectual property according to claim 12, wherein the at least one confidential information item is [normally] viewable only by [only] the customer station at least partially holding the intellectual property item and by the industry station.

18. (Amended) A method of promoting intellectual property online, the method comprising:

providing a host station having an Internet site and at least one database accessible at the [internet] Internet site, the at least one database including:

a plurality of intellectual property items; and
a description of each intellectual property item,
the description having at least one general description item
and at least one confidential description item;
selecting one of said intellectual property items by
a consumer station connected to the host station;
viewing the at least one general description item
associated with the selected intellectual property item from
the consumer station;
selecting said one intellectual property item by an
industry station connected to the host station; and
viewing the at least one confidential description
item from the industry station;
whereby said at least one confidential description
item is [normally] unavailable for view by the consumer
station.

19. (Amended) A method for promoting intellectual
property according to claim 18, and further comprising:

sending feedback data on the selected intellectual
property item from the consumer station to the host station,
the feedback data including consumer [opinion] survey
information of the intellectual property item based at least
in part on the description of the associated intellectual
property item; and

accessing the feedback data from the industry
station to thereby determine the degree of consumer interest
in the selected intellectual property item based on the
consumer [opinion] survey information.

20. (Amended) A method for promoting intellectual
property according to claim 19, wherein the consumer [opinion]
survey information includes [survey] information reflective of
a consumer's [desirability] desire to purchase the selected
intellectual property item.

24. (Amended) A method for promoting intellectual property according to claim 18, and further comprising selectively releasing the at least one confidential [information] description item at the host station for view by the consumer station.

25. (Twice Amended) A processor-based system for promotion of intellectual property, the system comprising:

a host station having at least one database, the at least one database including:

a plurality of intellectual property items; and
a description of each intellectual property

item;

means for selecting one of said intellectual property items by [at least one of] a consumer station and an industry station, respectively;

means for accessing the description associated with the selected intellectual property item from [the at least one] said consumer station and said industry station;

means for sending feedback data from the consumer [at least one] station to the host station, the feedback data including consumer survey [opinion] information of the selected intellectual property item based at least in part on the description of the selected intellectual property item; and

means for accessing the feedback data from an industry station to thereby determine the degree of consumer interest in the selected intellectual property item based on the consumer survey [opinion] information.

26. (Twice Amended) A processor-based system for promoting intellectual property according to claim 25, and further comprising means for summing the consumer survey [opinion] information from different consumer stations for the selected intellectual property item.

27. (Twice Amended) A processor-based system for promoting intellectual property according to claim 26, wherein the consumer survey [opinion] information includes [survey] information reflective of a consumer's [desirability] desire to purchase the selected intellectual property item.

28. (Twice Amended) A processor-based system for promoting intellectual property according to claim 25, wherein the consumer survey [opinion] information includes [survey] information reflective of a consumer's [desirability] desire to purchase the selected intellectual property item.

33. (Amended) A processor-based system for promoting intellectual property according to claim 25, and further comprising:

means for sending from a customer station to a host station intellectual property data representative of an intellectual property item at least partially held by a customer at the customer station, the intellectual property data being included in the at least one database and comprising at least [the] a description of the [customer's] intellectual property item; and

means for displaying at least the description of the [customer's] intellectual property item at the host station for view by the consumer and industry stations, respectively.

35. (Amended) A processor-based system for promoting intellectual property according to claim 34, wherein the feedback data is [normally] accessible at the Internet site by only the customer and industry stations, respectively.

37. (Amended) A processor-based system for promoting intellectual property according to claim 36, wherein the system includes means operable whereby the at least one confidential information item is [normally] viewable only by

[only] the customer station at least partially holding the intellectual property item and by the industry station.

42. (Amended) A processor-based system for promotion of intellectual property, the system comprising:

a host station having an Internet site and at least one database accessible at the [internet] Internet site, the at least one database including:

a plurality of intellectual property items; and

a description of each intellectual property item, the description having at least one general description item and at least one confidential description item;

means for selecting one of said intellectual property items by a consumer station connected to the host station;

means for viewing the at least one general description item associated with the selected intellectual property item from the consumer station;

means for selecting said one intellectual property item by an industry station connected to the host station; and

means for viewing the at least one confidential description item from the industry station;

whereby said at least one confidential description item is [normally] unavailable for view by the consumer station.

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U.S. Census Bureau

Standard Industrial Classification (SIC) System

The Standard Industrial Classification has been replaced by the new North American Industry Classification System (NAICS), but several data sets are still available with SIC-based data. Both SIC and NAICS classify establishments by their primary type of activity.

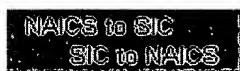
Data available on this site by SIC:

- 1997 Economic Census: (including establishments, sales or other measure of output, employment and payroll):
 - Comparative Statistics (1992 and 1997 data by 4-digit SIC for the U.S. and states)
 - Bridge Between NAICS and SIC (a key to the comparability of the two classification systems for particular industries, national data only)
 - Minority- and Women-Owned Business (2-digit SIC for all firms as well as for employers, for the U.S. and states, with sector totals for metro areas)
 - Business Expenses (national data for selected sectors only)
- 1992 Economic Census data for the U.S., states, counties, cities, and metro areas in pdf and on CD-ROM,
- County Business Patterns, 1993 to 1997, including counts of establishments by employment size class, employment, and payroll, but no measures of output.
- Other economic programs, most of which discontinued SIC-based reporting between 1997 and 2001.

Lookup system to find the SIC code for keywords that you enter (transfers you to OSHA web site).

The NAICS web site includes correspondence tables and a discussion of How NAICS Will Affect Data Users.

Definitions of individual SIC codes may be accessed through the first two links under 1997 Economic Census, above.



How NAICS will
affect data users
[New industries](#)
[New sectors](#)
[New code system](#)
[Benefits](#)
[Breaks in time series](#)

Implementation

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Development of NAICS

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U.S. Census Bureau



North American Industry Classification System (NAICS)

The North American Industry Classification System (NAICS) has replaced the U.S. Standard Industrial Classification (SIC) system. NAICS will reshape the way we view our changing economy.

NAICS was developed jointly by the U.S., Canada, and Mexico to provide new comparability in statistics about business activity across North America.



NAICS 2002 includes substantial revisions for the Construction and Wholesale Trade sectors, and a number of revisions for the Retail and Information sectors. NAICS 2002 will be implemented in the 2002 Economic Census.

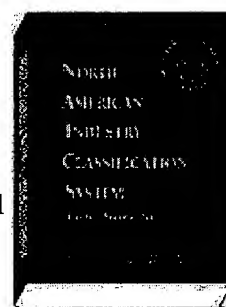
A new North American Product Classification System (NAPCS) is presently under development, with initial focus on products of service industries. (NAPCS will focus on manufacturing products at a later date; for existing census codes, see the Numerical List.)



A *Federal Register* notice will shortly solicit comments for NAICS 2007.



The official 2002 US NAICS Manual *North American Industry Classification System--United States, 2002* ~~NEW~~ includes definitions for each industry, tables showing correspondence between 2002 NAICS and 1997 NAICS for codes that changed, and a comprehensive index--features to be added shortly to this web site. To order the 1400-page *2002 Manual*, in print, call NTIS at (800) 553-6847 or (703) 605-6000. The 1250-page *1997 Manual*, showing correspondence between 1997 NAICS and 1987 SIC, is also available. A 2002 CD-ROM will be published later. (The NTIS web site does not yet list the *2002 Manual*.)



The list of 1997 NAICS codes, tables showing correspondence between NAICS and SIC, and other files for downloading were issued as of July 1998.

A summary of NAICS supporting documents cites Federal Register Notices, issues papers, and other reports about NAICS.

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